

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	CIVIL ACTION NO. 2:06cv116-MEF
	:	
FIVE HUNDRED FORTY-THREE	:	
THOUSAND ONE HUNDRED NINETY	:	
DOLLARS (\$543,190.00)	:	
IN UNITED STATES CURRENCY,	:	
	:	
DEFENDANT.	:	

UNITED STATES OF AMERICA'S SECOND MOTION FOR SUMMARY JUDGMENT

The United States of America (United States), by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby submits its Second Motion For Summary Judgment on the following grounds:

1. The Defendant currency was exchanged for controlled substances and represents proceeds of trafficking in controlled substances and was used or intended to be used in a manner to facilitate the commission of a violation of 21 U.S.C. §§ 801 et seq.

2. There is no genuine issue of material fact, and the United States is entitled to summary judgment as a matter of law that Enrique Alcaraz-Barajas lacks Article III standing. Accordingly, the Defendant currency is forfeited to the United States.

3. The Motion for Summary Judgment of the United States of America is based upon the Verified Complaint for Forfeiture In Rem, Notices of Claim of Enrique Alcaraz-Barajas, the Declaration of John Hieronymus, the pleadings, and a Brief and Memorandum of Law.

WHEREFORE PREMISES CONSIDERED, the United States moves that summary judgment be granted for the United States, and that the relief requested in the Verified Complaint for Forfeiture In Rem be awarded to the United States.

Respectfully submitted this 14<sup>th</sup> day of August, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/ John T. Harmon  
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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Bruce Maddox.

/s/ John T. Harmon

John T. Harmon

Assistant United States Attorney